

TEST PROVISION OF RATE-MAKING

Reopening of Live Stock
Case May Draw Su-
preme Court Decision.

WILL RECEIVE MORE TESTIMONY

Whole Record to Be Re-examined
by Commission for Procedure
Under Rate-Making Section.
Lawyers Will Strengthen
Position in Light of
Former Hearing.

(From Our Regular Correspondent.)
WASHINGTON, November 25.—An early decision by the Supreme Court as to the constitutionality of the rate-making provision of the Hepburn law may be one of the results of the action of the Interstate Commerce Commission in reopening the live stock rate case. This case is based on a complaint filed by the Cattle Raisers' Association of Texas against rates on live cattle from the Texas ranges to the Northern feed grounds, and rates from Texas and the Northern territory to the markets in the meat-packing cities. Practically every rate on live cattle in the whole country west of Chicago and the Mississippi River, and between the Northern Pacific Railroad and the Texas quarantine line, is involved, either directly or indirectly, and all the important railroads in the West, except the Northern Pacific and the Great Northern, are made defendants.

"Rates Are Unjust."
The allegation of the petition is that the rates complained of are unjust and unreasonable, special complaint being made of general advances in live stock rates all through this territory in 1905. An enormous mass of testimony was submitted by both sides, and the commission on August 16, 1905, announced a decision in which it was held that "the advances in live stock rates during 1905 were unjust and unreasonable to the extent of such advances." When this decision was announced the Cattle Raisers' Association entered a motion for additional and more specific findings and a final order was not issued, but the case was allowed to rest until the Hepburn law had been passed, when a motion to reopen was made.

The case having been reopened, the commission has notified both sides that additional testimony will be received, and that the whole record will be re-examined under the new section—15—of the law, the rate-making section. Under the new section, a substantial difference in conditions since August 16, 1905, there is little doubt that the commission will reaffirm its former decision and issue an order prescribing the rates in effect prior to the advance of 1905. As the maximum that may be charged, such an order would reduce the receipts of the roads from live stock traffic an average of several dollars a car, and would make such inroads in the gross receipts of the cattle-carrying roads that it is not probable that it would be submitted to without a contest in the courts that would involve every legal and constitutional question that could be raised, the most important being the constitutionality of the rate-making provision of the law.

Cost of the Service.
The original decision of the commission was based largely on its conclusion that the cost of the service. The shippers contended that even the rates in force prior to the advances of 1905 were too high, and the railroads contended that, even after those advances, the rates were too low. A great deal of testimony as to the cost of the service was submitted by both sides. The railroads contended that cattle rates were made low at the beginning of the competition of drivers, and that, notwithstanding the advances after the disappearance of this competition, they were still too low. Elaborate statistics were presented by the shippers, and the railroads contended that the live stock traffic on that road failed to pay its proportionate share of the cost of operation. The former opinion by the commission has shown the railroads' lawyers what the commission regarded as the weak points in this case. They will now have an opportunity to strengthen those points, and will doubtless submit testimony to show a considerable advance in operating cost, since the former testimony was taken, due to higher wages and increased cost of equipment and material and supplies of all kinds.

SUES FOR TIME LOST IN A YEAR'S WOOLING

READING, PA., November 25.—Miss Eva M. Reber has brought a \$5,000 breach of promise suit against John S. Stauffer, of this city.
She avers that from the time of their acquaintance, November 17, 1905, the defendant paid her marked attention, calling to see her from three to five times a week and frequently communicating with her over the phone and by other means. On November 28, Mr. Stauffer was married to Miss Widemuth.

PLEADS GUILTY TO SEE DYING MOTHER

BELLEFONTAINE, O., November 25.—Although professing his innocence of the crime, William Fox pleaded guilty to burglary and accepted a three-year sentence. This was because the sheriff told him he would take him to visit his dying mother on route to the prison in Columbus.

NOTED ARCHBISHOP DEAD IN HIS CHAIR

POSEN, PRUSSIAN-POLAND, November 25.—Mr. Stabicki, Roman Catholic Archbishop of Posen, who recently had been active in combating the German government's order to teach the children of Poland religion in the German tongue, was found dead in a chair in his study here last night. His death was caused by heart disease.

JAMES BRYCE WHO MAY BE BRITISH AMBASSADOR



BRYCE PRAISES JAMES WILSON

Great Author of the American
Commonwealth Places Him
Next to Marshall.

GRASP OF PRINCIPLES

Judge Wilson Had Intimate
Knowledge of the Law, and
Knew How to Apply It.

PHILADELPHIA, PA., November 25.—Burton Alva Kenkle, secretary of the Wilson Memorial Committee, today received a letter from James Bryce, M. P., eulogizing James Wilson. The letter was to have been read at the Wilson memorial services on last Thursday, but did not arrive in time. The letter is as follows:

"House of Commons,
London, November 25.
"My Dear Sir,—It had been possible for me to cross the Atlantic now—my duties here prevent my doing so—I would gladly have joined you in paying honor to the memory of James Wilson, a native of my own country and one of the strongest and clearest intellects that Scotland ever sent to the service of America.

Marshall Alone Superior.
"Few men, even in that great generation, in which Wilson belonged, equaled him—perhaps none except John Marshall surpassed him in the amplitude of his legal mind.
"He had a wonderfully firm grasp of principles, and as a lawyer, but as a statesman. One cannot view the record of the debates connected with the preparation and adoption of the Constitution without feeling how great was the value of his contributions. His logic was always cogent; his good sense unflinching; his views of the political condition of the times altogether sound and sane. You are rendering a real service to American constitutional history in thus commemorating a man to whom the Constitution owes so much. Very faithfully yours,
"JAMES BRYCE."

This letter has an added interest from the fact that Bryce is being mentioned as Sir Henry Dormer's successor as head of the British embassy to this country.

BETWEEN JIM CROW LAW AND DEEP SEA

Pennsylvania Officer Has Hard
Time With Negro Prisoners.
Walk Next Time.

PHILADELPHIA, PA., November 25.—Chief of Police Chambers, of Merion, near here, declares that next time he goes South to bring a colored prisoner back he will walk with him all the way.
The chief went to Richmond last week to bring back George and Maria Clark, negroes arrested for stealing. All went well until he attempted to board the train, when the white passengers objected to him taking his prisoners into the regular coach. He then turned to the negroes and said, "If you will, I will take you to the baggage car, but I am sorry to hear that you are not allowed to ride with them."
The conductor suggested that the chief and his prisoners ride in the baggage car, but he declared he had paid for a first-class passage, and intended to get it.

FRANCIS JOSEPH TO BE FRIENDLY

Advices Austro-Hungarian Dele-
gations of Proper Line of Con-
duct—1907 Budget.

BUDAPEST, November 25.—The sittings of the Austro-Hungarian delegations were opened here today. Francis Joseph, the emperor-king, receiving the delegations in the throne room of the royal palace in Budapest, said that Austria-Hungary's proper line of conduct was the cultivation of close relations with allied States; an agreement with Russia concerning the Balkans, and friendly relations with all powers.
The joint budget for 1907 was submitted to the delegations and shows a demand for a net credit amounting to \$75,525,450, or \$4,191,382 in excess of the budget of 1906. This increase is mainly on account of army expenditures.

HE DID RIGHT TO DISMISS TROOPS

So Says Senator Bailey.
In Whose State the
Affair Occurred.

TAFT AND MOODY "LOCAL" LAWYERS

Thinks With These and Root, a
"Great Lawyer," About Him,
President Must Have Been
Properly Advised as to
the Authority Vested in
the Executive Office.

(Special to The Times-Dispatch.)
WASHINGTON, D. C., November 25.—Senator Bailey, of Texas, commends the President for his action in dismissing from the army those negro soldiers who participated in the Brownsville riots. In speaking on the subject, Senator Bailey said:

"I have not examined the question of the President's power to discharge the troops, according to his order, but with a Secretary of War who is a local lawyer, a Secretary of State who is also a great lawyer, and an Attorney-General who is sufficiently local as an interpreter of the law to be appointed to the Supreme Bench, I assume that President Roosevelt was fully and correctly advised as to what he might lawfully do.
"I believe, as fair-minded men who desire to see the army an orderly and law-abiding organization, will cordially endorse the positive manner in which the President has exercised his power."

ROOSEVELT MAY SUCCEED PLATT

Represented as Saying That He
Would Like to Come to Sen-
ate After Present Term.

(Special to The Times-Dispatch.)
WASHINGTON, D. C., November 25.—The return of President Roosevelt to-morrow may be followed by developments of an important nature in New York State politics. There is little doubt that an effort will be made to induce him to aid the movement to force Senator Platt to resign his seat in the Senate. The thing that lends special interest to this matter is the fact that the President has arranged in his mind that he shall take up the senatorial term of Platt when the latter drops it. It can be stated on high authority that the last time the President discussed with his political intimates the likelihood of a change in New York's representation in the Senate, he expressed a desire to be elected to succeed Platt. The latter's term expires on March 4, 1909. On this same date the President will have completed his term in the White House.

PRESIDENT NEAR VIRGINIA CAPES

Wireless Message from Him Last
Night Indicates Rapid Pro-
gress Up Coast.

WASHINGTON, November 25.—A message received at the wireless station at the Washington Navy Yard, and made public today from the battleship Louisiana, which President Roosevelt and party are returning from Panama by way of Porto Rico, announced that the battleship was 600 miles off Cape Henry at 8 o'clock last night. At the rate at which the Louisiana is steaming, she should reach the Virginia Capes at about 9 A. M. to-morrow. Secretary Loeb left Washington today to meet the President when he transfers to the naval yacht Mayflower in the lower Chesapeake Bay. It is expected that the transfer will be made at Wolf Trap Light.

PISTOL FIGHT RESULTS IN DEATH FOR BOTH

MEMPHIS, TENN., November 25.—A special from Cleveland, Miss., says that Hammond, a druggist, of Boyle, Miss., and J. M. O'Bryen, a farmer of that vicinity, were killed, and Hammond's brother slightly wounded, as the result of a minor disagreement late yesterday. Hammond and O'Bryen had an altercation, and it is alleged Jesse Hammond entered into it, when O'Bryen opened fire, wounding Jesse Hammond in the hand. Hammond and O'Bryen then opened fire, each receiving wounds which caused their death.

MESSAGES PASS BETWEEN PRESIDENT AND TAFT

CHARLOTTE, N. C., November 25.—The De Forest wireless station at 9 o'clock to-night heard a message passing from the Beaufort, N. C., wireless station to the United States cruiser Louisiana, which was then making for Diamond Shoals Light vessel, off Hatteras. Messages were exchanged between the battleship and stations signed by President Roosevelt and Secretary Taft. The station here did not communicate directly with the Louisiana.

TACTFUL ATTITUDE SAVES EUROPEANS

BERLIN, November 25.—A dispatch received here from Fez reports that last Wednesday, on the occasion of tribute-paying by Moroccan tribes, a Spanish doctor tried to force his way to the place reserved for the American minister, Mr. Gummere. The troops on guard barred the way, whereupon the Spaniard grossly insulted a Moorish captain, and only the tactful attitude of the troops prevented numerous Europeans present from being molested.

THREE PERISH IN BURNING SHIP

Five Hundred in Great
Danger From Fire
and Water.

ALGESIRAS NOW RUINED HULK

City of Toulon Wrings Its Hands
in Anxiety on the Shore While
Thousands of Seamen
Rush to Rescue of
Comrades in
Peril.

TOULON, FRANCE, November 25.—The torpedo school-ship Algeiras, stationed in this harbor, was totally destroyed by fire at a late hour this evening. There were five hundred men on board when the fire broke out, but it is believed only three were burned to death.

The burning of the school-ship created the greatest alarm throughout the city. News of the fire was first conveyed at about 11 o'clock by the firing of cannon in the harbor. The people hurriedly left the cafes and theatres and rushed to the docks, whence they could see the Algeiras a mass of flames in the harbor. The burning vessel stood out brilliantly in the encircling darkness, and the glare of the flames lit up the other shipping and the coast and wharves.

Terrible Anxiety Felt.

There was terrible anxiety concerning the fate of the 500 men on board until the authorities announced that everybody had been taken off in boats and saved, with the exception of three. These men did not answer the roll-call, and it is presumed they were burned to death.

The entire garrison here was called out to render assistance, and the crews of the warships of this division hurriedly launched their boats to go to the rescue of their comrades who were on board the Algeiras for purposes of instruction. The boats and fire-boats, as well as several steamers lying in port, slipped their anchors and likewise went out to help. Organized efforts were made to put the fire out, but in vain. The flames spread quickly to all parts of the ship, and she was blazing from stem to stern, almost before the men had time to leave her.

Save Other Ships.

As soon as the news here was taken of the flaming vessel, the efforts of the authorities were directed to safeguarding the other ships anchored in the vicinity of the Algeiras, including the new battleship Patrie and the torpedo gunboat La Hire. These two warships were towed to places of safety.

The authorities came rapidly to the conclusion that the Algeiras was doomed, and she was left to burn herself out. The discipline maintained on board the Algeiras was excellent. A majority of the men were cool and collected. The small boats of the Algeiras were launched, filled with men and rowed away, while those who could not leave in this manner awaited the arrival of the rescuers. A few men, however, were forced by the flames to jump overboard and swim away. Six torpedoes on board the schoolship exploded while the men were leaving the vessel.

Magazine in Danger.

There was much fear during the height of the fire that a torpedo magazine on shore would come ignited, but this was prevented by deluging the magazine with heavy streams of water from powerful fireboats. It is not known whether the fire originated from an explosion of powder or broke out among the stores on board.

The Algeiras had been used as a school ship since 1894.
It is thought that the fire which broke out to-night had been smoldering all day long in the vessel's bunkers. This would account for the sudden breaking out of the flames at practically the same time on different parts of the ship.

There is some uncertainty as to whether the three missing men were really burned or not. It is reported that they were last seen standing on deck, and when ordered to jump into the water they replied that they could not swim.

The Algeiras was a ship of the line, and for a number of years she has been doing duty as a harbor tug and employed as a torpedo training ship. She was of 6,947 tons displacement, and was built in 1895.

THEATRE FLOOR FALLS, ONE KILLED

Many Hurt in Peculiar Accident
at Newark—Rush for Tick-
ets Causes Collapse.

NEWARK, N. J., November 25.—Mrs. Rebecca Schwartz was killed, a dozen other persons were so badly injured that they had to be taken to the city hospital, and fifteen more were less seriously hurt to-night, when the floor of the lobby of a hall, which is used on Sunday nights as a Jewish theatre, collapsed beneath the weight of people standing on it.

When the doors of the hall were thrown open there was a rush for tickets, and almost a hundred persons gathered within the space. The floor suddenly began to give way, and there was a mad rush, and threatening to kill him, when he pulled his pistol and fired. The hall pierced Upton's heart. Herrell was killed at Tazewell, falling to give a \$5,000 bond.

KILLS MAN IN DISPUTE OVER DEBT ARREST MADE

KNOXVILLE, TENN., November 25.—John Upton was shot and instantly killed near Cumberland Gap, Tenn., today by James Herrell. The two men had a dispute over a board bill which Upton claimed Herrell owed him. Herrell claims that Upton was holding him by the throat from this port for that work. It consisted of one hundred and two dump cars and one hundred thousand feet of lumber.

DR. ALGERNON S. CRAPSEY NOW OUT OF THE CHURCH



MAY NOT PAY THE M'GUE INSURANCE ARE EXAMINING MORGAN'S BANK

Judge McDowell Holds Company
Not Liable Under the
Circumstances.

ABET COMMISSION OF CRIMES

All Companies Save One Paid
Their Policies Without Any
Protest.

(Special to The Times-Dispatch.)
LINCOLN, VA., November 25.—The suit of the estate of J. Samuel McCue, Charlottesville's ex-Mayor, who was hanged for wife-murder, against the Northwestern Life Insurance Company for the recovery of \$15,000 due on a policy on the life of McCue, has been decided by Judge Henry Clay McDowell, of the United States District Court for the Western District of Virginia, adversely to the estate, and the children of the hanged man will, therefore, lose the entire benefit of the policy.

The suit was instituted for the purpose of compelling the company to pay the full amount of the policy, but the court holds that the company is not liable, because the payment of the face of the policy under such circumstances would be to encourage the commission of crime. It will be recalled that all of the other companies in which McCue was insured prior to the murder of his wife settled without resisting the payment.

The case was argued in chambers in Richmond ten days ago, when Judge McDowell was enmeshed there as one of the justices in the United States Circuit Court of Appeals.

GIRL LEAPS FROM THE STEAMER DECK

Miss Browning, "Attractive Bru-
nette," Supposed to Have Com-
mitted Suicide.

JACKSONVILLE, FLA., November 25.—"One passenger missing" is the report made by Captain Chichester, of the Clyde Line steamer Iroquois, when it arrived here today. Miss A. Browning, an attractive brunette, took passage on the steamer at Charleston yesterday for Jacksonville. She acted queer on the boat, and spent most of her time leaning on the rail and looking sadly out upon the ocean. She had not retired to her stateroom at 2 o'clock this morning, but was still about the deck. When the steamer arrived here it was found that she was missing. Her berth had not been occupied and her open suitcase, cloak, hat and shoes were in her stateroom. It is supposed that she leaped overboard at an early hour this morning.

PRESENTS LETTER AND THEN ROBS BANK

NEWTON, KAN., November 25.—After presenting a formal letter of introduction to Herman Sudermann, cashier of the Midland Bank of Newton, a lone robber looted the institution of all the currency in sight and escaped.

Six or seven persons were in the bank when the man called, beside the clerks, and after making known his mission, he ordered them, on pain of death, into the vaults and locked them in. He got away with more than \$1,000.

SOUTH SENDS MATERIAL FOR ISTHMIAN CANAL

MOBILE, ALA., November 25.—The Munson Line steamship Royal Exchange sailed today from the lower bay for the Panama Canal with the first full cargo from this port for that work. It consisted of one hundred and two dump cars and one hundred thousand feet of lumber.

CRAPSEY BOWS TO WILL OF CHURCH

Refuses to Make "Cow-
ardly Retraction" and
Ministry Terminates.

AGAIN STATES HIS PECULIAR VIEWS

Believes Jesus of Nazareth Born
of Human Father, Taking Ex-
ception to Meaning of Creed,
Which Says "Conceived
by the Holy
Ghost."

ROCHESTER, N. Y., November 25.—Bowling to the will of the church, but refusing to make a "cowardly retraction" of the belief which induced the church to terminate his ministry, the Rev. Algernon S. Crapsey, rector of St. Andrew's Church, of Rochester, N. Y., today renounced his ministry in the Protestant Episcopal Church in a letter to Bishop William David Walker, of the Western Diocese of New York. In this letter the Rev. Mr. Crapsey reaffirmed his belief that the "notion of the origin of Jesus that a son of man was born without a human father is without confirmation in history."

He also asserted that "when I say of Jesus that He ascended into heaven, I do not mean and cannot mean that with His physical body of flesh, blood and bones, He floated into space and has for two thousand years been existing somewhere in the sky, in that very physical body of flesh, blood and bones. Such an existence would seem to me not glorious, but horrible."

Declaring that he is about to carry the case to the free intelligence and enlightened conscience of the world, he counsels "the hundreds of clergy and thousands of laymen in the Protestant Episcopal Church who have reached the same conclusion," as he has, not to be dismayed, and to stay where they are.

Appeal to the People.

"I appeal," he said, "from those in places of authority in the church itself, to the great body of people." He asserted that he does not blame his judges, and though he bows to their will and feels that it is final for him, he says: "I am equally certain that the 'temper' and 'unstable' interpretations of the creed," he declares that he holds more firmly to the gospel. In his letter, Rev. Mr. Crapsey says:

"Under existing conditions I deem it my duty to make a formal and final demonstration to the ministry of the Protestant Episcopal Church, and in consequence I ask that you will, for reasons on earth, will conform to this decision." Having let go of the "temper" and "unstable" interpretations of the creed, he declares that he holds more firmly to the gospel. In his letter, Rev. Mr. Crapsey says:

"My sole difficulty lies in the fact that a long, careful, conscientious study of the Holy Scriptures has compelled me to come to certain conclusions concerning the present history of Jesus, which are not in physical accord with the letter of the creeds, and hence have compelled me to certain articles of interpretation that will harmonize them with the truth as I find the teaching in the Holy Scriptures.

Spiritual Interpretation.

"But recent judicial decisions have declared that any such harmonizing of the creed with my own convictions, of the truth, is not permissible in the Protestant Episcopal Church.

"In my own case I recognize the right of the constituted authorities of the church to define the limits of interpretation, and in order to hold fast to the truth, most let go of the creed as now interpreted by the courts. I am not now and never have been conscious of any insincerity in giving such interpretation to the various articles of creed as are demanded by present conditions of thought and the present state of knowledge, any more than I am conscious of insincerity when I say the sun rises and sets, though as a matter of fact the fact that the sun does not rise and set, but that it is the earth that rotates, is a spiritual rather than literally physical interpretation.

Chief Contention.

"Also when I say of Jesus that He ascended by the Holy Ghost, born of the Virgin Mary, I do not mean that the great and living God, in order to get into His world, had to violate His wonderful law of human generation, break into sacred marriage, and cause a son of man to be born without a human father.

"Such a notion is most repugnant to my ideal of a wise and holy God. I was not, therefore, alarmed; I was relieved when I read of the Holy Scriptures, which convinced me that this notion of the origin of Jesus was without foundation in history. Jesus was not incarnated in my worship. He was embodied by this discovery. When I reached the conclusion, as I did some years ago, that the infancy stories were not historical, I did not cease to believe in Jesus. I believed in Him all the more, and I gave to the words 'conceived by the Holy Ghost, born of the Virgin Mary,' an interpretation that harmonized with my knowledge of the facts. He was a child of the holy seed, sanctified by His mother's womb, a son